

### **REMARKS:**

The foregoing amendment and remarks which follow are responsive to the final Office Action mailed February 5, 2003. An RCE was filed on June 5, 2003. A response to the Office Action of February 5, 2003 was filed on June 5, 2003 along with the RCE. An Office Action was sent on July 28, 2003 objecting to the format of the amendment filed on June 5, 2003. This Amendment corrects the formatting of the amendment filed on June 5, 2003.

Claims 1-31 are pending in the application. The Office Action allowed Claims 1-22 and rejected Claims 23-31 as described in further detail below.

The Office Action noted that the inventorship of the application has been changed. The Office Action also stated that the original patent must be provided before the reissue application can be allowed and that the application was objected to as lacking written consent of all assignees.

#### **Status of Claims**

Claims 1-31 are currently pending in the application. Claims 1-22 are the original claims of issue Patent No. 6,171,102 B1. Claims 23-31 are new claims in the application. New claims 24 and 27 which were previously added in the application are currently amended by this Amendment (and were initially submitted in the Amendment mailed June 5, 2003).

#### **Submission of Original Patent**

The Office Action stated that the original patent has not been submitted and must be provided before the reissue application can be allowed. The original patent was submitted with the Amendment that was sent on June 5, 2003.

#### **Written Consent of All Assignees**

The Office Action stated that the application was objected to under 37 CFR 1.172(a) as lacking the written consent of all assignees owning an undivided interest in the patent. A Reissue Application Consent of Assignee was submitted with the Amendment that was sent on June 5, 2003.

## Claim Rejections

### Double Patenting Rejections

The Office Action rejected Claims 23-31 under the judicially created doctrine of obviousness double-patenting over Claims 1-18 of U.S. Patent No. 6,214,295. A terminal disclaimer was submitted with the Amendment that was sent on June 5, 2003. Thus, Applicants respectfully submit that the obviousness-type double patenting rejections have been overcome.

### Rejections Under 35 U.S.C. § 112

The Office Action rejected Claims 24 and 27-28 “under 35 U.S.C. 112, first paragraph as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventor(s), at the time the application was filed, had possession of the claimed invention.”

The Office Action states that “the examiner can find no basis in the specification as filed to support the subject matter in line 2 of claim 24 requiring that the gelatinous structure defines **at least one exposed edge which is round.**” Claim 24 has been amended to require that the gelatinous structure defines **at least one exposed border which is round.** As noted in the abstract, “fabrication methodology includes application of heat to the gelatinous structure to round any pointed border portions thereof ...” Col. 3, lines 6-11 of the specification state that “finally, radiant heat or heat from a hot air flow is applied to the gelatinous structure 22 as illustrated in FIG. 6 in emanating from a conventional hair dryer 32, at a temperature and time duration sufficient to round any unwanted pointed border portions of the structure 22. Applicants respectfully submit that the subject matter of claim 24 is supported in the specification. Therefore, Applicants respectfully submit that the rejection of Claim 24 under 35 U.S.C. § 112 has been overcome.

The Office Action states that “the examiner can find no basis in the specification as filed to support the subject matter in lines 2 and 4 of claim 27 requiring that the gelatinous structure defines **at least one exposed edge.**” Claim 27 has been amended to change “at least one exposed edge” to “at least one exposed border.” As described above, this is supported in the specification. Therefore, Applicants respectfully submit

that the rejection of Claim 27 under 35 U.S.C. § 112 has been overcome.

**CONCLUSION**

Applicants respectfully submit that all of the stated grounds of rejections have been overcome. Accordingly, an early Notice of Allowance is respectfully requested. Should the Examiner have any suggestions for expediting allowance of the application, the Examiner is invited to contact Applicants' representative at the number listed below.

If any additional fee is required, please charge Deposit Account Number 19-4330.

Respectfully submitted,

Date: 8/14/03

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